

RECEIVED

17 JAN 26 PM 1:30 TOWN OF ASHBURNHAM
ZONING BOARD OF APPEALS MINUTES
LOWER LEVEL MEETING ROOM – TOWN HALL

TOWN ENGINEER'S OFFICE
ASHBURNHAM, MA 01430

December 21, 2016

Number 16-07

12-21-16

Hearing #16-07

Present: Dave Perry, Heather Carlisle, Terry Girouard, Rich Archer, Ken Mullen

Absent: Mark Carlisle, Cheryl Anderson

Dave opens meeting at 7:05

Maryann Heider & Nancy LaFosse – owners of property

Maryann has been in Ohio for 30 years, wants to come home and rebuild original house.

Dave - Application says not abandoned, but Dick Reynolds says it's abandoned.

Nancy - didn't want to demolish without a permit

Dave - back to the abandonment issue, Heather wanted to discuss

Heather - Abandonment is a term of art, even if your intent was to come back to the property, there are statutory implications to the word abandonment

Nancy - it was not abandoned, we applied for various permits pertaining to the septic in 2010

Dave - instead of going under sec. 1.33, this might fall under sec. 1.04? that doesn't deal with abandonment – we would have to have a finding

Nancy - intent is to live there, not sell it. Work to stay within the footprint.

Maryann - I intend to live the full year

Rich - I make a motion that 1.42 applies in this matter, Rich seconds (not abandoned) – unanimous that 1.42 applies – a nonconforming building may be altered under this section.

Dave - proceeding under 1.42

Rich - will it be on a slab or a basement?

Nancy & Maryann - not sure – need to get an Engineering plan.

Rich - also need to consider Board of Health

Nancy will need to replace tank

Dave - depending on how close you are to the lake, might need to go to ConCom. BOH will want to get involved with Title 5.

Dave - your proposing existing footprint will remain the same. Single Story Ranch?

Nancy - definitely not going to go outside of footprint – could we go up?

Dave - might run into issues with BOH depending on septic

Maryann - could we have an attic?

Dave - could go up to 35' by right ...do you want to apply under this permit for two stories? If you want to use existing system, you're going to have to deal with the BOH

Terry - current structure is 731 sq. feet as existing footprint

Rich - I think we leave it open ended

Heather - I agree

Dave - is anyone behind you?

Nancy - No

Dave - special permit is good for 2 years, if you wanted to add a 2nd story later you would have to come back, if you wanted to add a second story.
- original application you submitted requests one story
- do you want the option for a 2nd story?

Nancy & Maryann - Yes, we'd like the option

Dave - won't be any closer to abutters as they are to you now?

Nancy & Maryann - No

Terry - What about bedrooms on second floor? What's to stop them from putting more bedrooms?

Heather - That's a building inspector issue.

Dave - Do you have a plot plan? Do you know how close you are to the lot line?

Nancy - Smack in the middle – closer to me than the neighbors.

Ken - How many lots did you control?

Nancy - 2

Terry - You're not in common ownership?

Nancy & Maryann - No

Dave - I would like to see a plot plan – if we granted motion, want to make sure it stays within lot lines

Terry - isn't that supposed to be within lot line?

Dave - are you okay with not seeing a plot plan?

Terry - Yes

Rich - Yes

Heather - Yes

Ken - we had to look at plot plans before

Heather - yes, but that was different, they weren't building on footprint

Dave - so are you comfortable moving forward without plot plan? (Rich – yes, but I understand your concerns).

Ken - isn't Nancy's well affected by property?

Maryann - No

Terry - based on not having a plot plan, if that ends up becoming an issue, Dick will deal with it and put them back in front of it

Dave - I would like to see the plot plan.

Dave - will open up to abutters:

- Dave Goodall – lives on Stodge Meadow Road for 34 years – lives 3 houses down from proposed structure
I think distance is 35" from plot line.
But that might be hearsay

- have concerns that might be BOH issues
is it a leechfield?

Dave - No

Dave G - is it a holding tank?

Dave P - No – gives BOH letter for Dave G. to review

Dave G. - Letter discuss testing well for bacteria – how often will that need to be tested?

Dave P - if septic system passes & well is more than 50” but less than 100’ away, need to test well

Dave G - what is there for a well now?

Dave P - those are BOH questions. You would need to ask them – could ask he be notified if Board of Health holds hearing.

Terry - you could refer to the title 5 report in file referenced in the letter from 9/1/2010

Dave G - building is a hazard, I will be happy to see it go.
There are issues with septic tank next door – pumping it once a week

Dave P - that’s a BOH issue – we’re just looking at the building and the rebuilding it

Dave G - they need to pull permit to do so?

Dave P - Yes will need to do that

Dave G - most of my questions are BOH related – concerns about adjacent lot

Terry - issues on adjacent lot might not have issues for this lot

Dave P - in a nutshell, you want to tear down existing house, rebuild on existing structure, want it to be 2 stories that does not exceed 35’ mean grade.
Won’t be closer to abutters

Zack Heider - does mean grade take into account 2 stories?

Dave - yes, can be 2 stories so long as its under 35’ mean grade

Dave closed hearing at 8:04.

Dave makes motion to go into deliberations, Terry seconds, all in favor.

Dave - really want to see a plot plan – could put on condition....

Terry - not a concern to me – looks central to the lot

Rich - I also don't think its an issue, but we should have received a plan

Ken - I don't think we should make up a number here

Dave - I would have liked to see the distance of the structure to the lot line.

Terry - I don't think we should mention the stories

Heather - I agree if that's what it says in application, we can approve without conditions.

Rich - makes motion to grant special permit as request.

Terry - Seconds

Dave - I still want to see the plot plan

Heather - but Dick will catch it if it's an issue

Terry - you saw it, (Dave) and the location is central.

All in Favor: Ken, Heather, Rich, Terry

Opposed: Dave (concered about lot lines)

Reviewed and approved minutes with comments on following hearings:

16 – 06
16 – 05 10/12/16
16 – 05 continuation 10/19/16

No quorum to vote on 16 – 03 or 16 – 04

Dave makes motion to close at 8:55pm.; Ken seconds. All in Favor

Meeting closed at 8:55pm.